IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6889 OF 2003
AND
WRIT PETITION NO.6949 OF 2003

Mr.A.A. Kumbhakoni for the Petitioner.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 8TH JUNE,2005

P.C.:

Heard the learned Counsel for both sides. The case of the Petitioner was that the compromise decree should not be permitted to be executed, because according to the Petitioner the Respondent has created obstacles in the way of the Petitioner in abidding by the terms of the compromise. In my opinion, if it is not the case of the Petitioner that the decree has become unexecutable, the remedy of the Petitioner was to apply to the

trial court and not to the executing court. I do not find that the order impugned resulted in failure of justice so as to entitle this court to interfere with it in its jurisdiction under Article 227 of the Constitution of India. Both the petitions are disposed of.

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